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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/609,117

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Xin Tao

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EXAMINER

MAIS, MARK A

ART UNIT

PAPER NUMBER

2619

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/609,117	Applicant(s) TAO, XIN	
	Examiner Mark A. Mais	Art Unit 2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/30/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) was filed on October 30, 2007. The submission is in compliance with the provisions of 37 C.F.R. 1.97. According, the examiner considered the IDS.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Bjelland et al. (USP 6,973,054).

4. With regard to claim 1, Bjelland et al. discloses a method for processing calls in a voice over packet system [GPRS packet system, col. 1, lines 35-38; UMTS is both circuit and packet-switch, col. 4, lines 43-45], the system including a call controller having control modules [Fig. 4, 2 controllers 406/408], a plurality of media gateways [Fig. 4, gateways 410/412], an ingress channel [Fig. 4, e.g., originating call to node 402], an egress channel [Fig. 4, e.g., terminating call to node 404] and a core packet network [Fig. 3, e.g., backbone network], the method comprising:

receiving a call having call content, originating information, and terminating information on the ingress channel [Fig. 4, e.g., originating call to node 402 inherently includes call content, originating information, and terminating information];

establishing an originating half call context for the call based on the originating information [Fig. 4, Gateway 410 establishes a call context between the originating call connected to Node 402 and a connection (within Gateway 410) to Gateway 412; as stated in applicants specification, call contexts are already known];

controlling the originating half call context for the call by a first control module of the call controller [Fig. 4, Media Controller 406 controls Gateway 410];

instructing a second control module of the call controller to establish a terminating half call context for the call [Fig. 4, Media Controller 406 inherently establishes a control application connection with Media Controller 408 in order to instruct it to establish it's own half call];

establishing the terminating half call context for the call based on the terminating information [Fig. 4, Gateway 412 inherently establishes a call context from the Gateway 410 (within Gateway 412) and the terminating call connected to node 404];

controlling the terminating half call context for the call by the second module [Fig. 4, Media Controller 408 inherently controls Gateway 412];

transmitting the call content from the originating context to the terminating context [Fig. 4, call content is inherently transmitted from originating to terminating context by use of the bearer protocol] based on the controlling of each call context by the first and second control modules [Fig. 4, inherently based on the signaling between Media Controllers 406 and 408]; and,

transmitting the call content out of the system on the egress channel [Fig. 4, the content of the terminating call is inherently transmitted to the recipient through node 404].

5. With regard to claim 2, Bjelland et al. discloses that the establishing of the originating half call context includes establishing the originating half call context within a media gateway [each half-call context is inherently performed in the Gateways 410 and 412].

6. With regard to claim 3, Bjelland et al. discloses that the establishing of the terminating half call context includes establishing the terminating half call context within a media gateway [each half-call context is inherently performed in the Gateways 410 and 412].

7. With regard to claim 4, Bjelland et al. discloses that the call content on the ingress channel is in one of time-division multiplexed (TDM) format and packet format **[GPRS uses the GSM network (TDMA), col. 49-59; UMTS is both circuit and packet-switch, col. 4, lines 43-45]**.

8. With regard to claim 5, Bjelland et al. discloses that the call content on the egress channel is in one of time-division multiplexed (TDM) format and packet format **[GPRS uses the GSM network (TDMA), col. 49-59; UMTS is both circuit and packet-switch, col. 4, lines 43-45]**.

9. With regard to claim 6, Bjelland et al. discloses that the call content is in packet format during the transmitting from the originating call context to the terminating call context **[GPRS uses the GSM network (TDMA), col. 49-59; UMTS is both circuit and packet-switch, col. 4, lines 43-45]**.

10. With regard to claim 7, Bjelland et al. discloses that the originating half call context resides in a first media gateway **[Fig. 4, Gateway 410]** and the terminating half call context resides in a second media gateway **[Fig. 4, Gateway 412]**.

11. With regard to claim 8, Bjelland et al. discloses that the originating half call context resides in a media gateway and the terminating half call context resides in the same media gateway **[Abstract, the second Media Controller 408 controls Media Controllers 406's resources (e.g., Gateway 410) and the originating and terminating call contexts necessarily reside in Gateway 410]**.

12. With regard to claim 9, Bjelland et al. discloses an apparatus for processing calls in a voice over packet system, the apparatus comprising:

means for receiving a call having call content **[Fig. 4, e.g., originating call to node 402 inherently includes call content, originating information, and terminating information];**

means for establishing an originating half call context for the call **[Fig. 4, Gateway 410 establishes a call context between the originating call connected to Node 402 and a connection (within Gateway 410) to Gateway 412; as stated in applicants specification, call contexts are already known];**

means for controlling the originating half call context for the call **[Fig. 4, Media Controller 406 controls Gateway 410];**

means for establishing a terminating half call context for the call **[Fig. 4, Gateway 412 inherently establishes a call context from the Gateway 410 (within Gateway 412) and the terminating call connected to node 404];**

means for controlling the terminating half call context for the call **[Fig. 4, Media Controller 408 inherently controls Gateway 412];**

means for transmitting the call content from the originating half call context to the terminating half call context based on the means for controlling **[Fig. 4, call content is inherently transmitted from originating to terminating context by use of the bearer protocol];** and,

means for transmitting the call content out of the system on the egress channel [Fig. 4, the content of the terminating call is inherently transmitted to the recipient through node 404].

13. With regard to claim 10, Bjelland et al. discloses means for establishing an originating half call context is a media gateway [each half-call context is inherently performed in the Gateways 410 and 412].

14. With regard to claim 11, Bjelland et al. discloses means for controlling the originating half call context is the call controller [Fig. 4, Media Controller 406 controls Gateway 410].

15. With regard to claim 12, Bjelland et al. discloses means for establishing the terminating half call context is a media gateway [each half-call context is inherently performed in the Gateways 410 and 412].

16. With regard to claim 13, Bjelland et al. discloses that the originating half call context resides in a media gateway [each half-call context is inherently performed in the Gateways 410 and 412].

17. With regard to claim 14, Bjelland et al. discloses that the terminating half call context resides in a media gateway [each half-call context is inherently performed in the Gateways 410 and 412].

18. With regard to claim 15, Bjelland et al. discloses that the means for transmitting the call content from the originating context to the terminating context is a media gateway **[each half-call context is inherently performed in the Gateways 410 and 412]**.

19. With regard to claim 16, Bjelland et al. discloses that the means for transmitting the call content out of the system is a media gateway **[Abstract, the second Media Controller 408 controls Media Controllers 406's resources (e.g., Gateway 410) and the originating and terminating call contexts necessarily reside in Gateway 410]**.

20. With regard to claim 17, Bjelland et al. discloses that the originating half call context resides in a first media gateway **[Fig. 4, Gateway 410]** and the terminating half call context resides in a second media gateway **[Fig. 4, Gateway 412]**.

21. With regard to claim 18, Bjelland et al. discloses that the originating half call context resides in a media gateway and the terminating half call context resides in the same media gateway **[Abstract, the second Media Controller 408 controls Media Controllers 406's resources (e.g., Gateway 410) and the originating and terminating call contexts necessarily reside in Gateway 410]**.

22. With regard to claim 19, Bjelland et al. discloses additional call contexts to allow for monitoring of the call **[Abstract, the second Media Controller 408 controls Media**

Controllers 406's resources (e.g., Gateway 410) and the originating and terminating call contexts necessarily reside in Gateway 410; thus, the Media Controller 408 must create a call context to monitor the call in Gateway 410].

Response to Arguments

23. Applicants' arguments filed on October 30, 2007 have been fully considered but they are not persuasive.

24. With respect to claims 1 and 9, Applicants state that Bjelland et al. fails to disclose a half call context [**Applicants' Amendment dated October 30, page 2, paragraph 4**]. The examiner respectfully disagrees.

25. As noted in the rejection of claim 1 above, Bjelland et al. discloses that Gateway 410 establishes a call context between the originating call connected to Node 402 and a connection (within Gateway 410) to Gateway 412 [**Fig. 4**]. Call contexts are already known to those of ordinary skill in the art.

26. With respect to claims 1 and 9, Applicants state that the invention's half call context allows for efficient transmission of call content [**Applicants' Amendment dated October 30, page 2, paragraph 4**].

27. In response to applicant's argument that a "half call context" allows for efficient transmission of call content, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

28. If Applicants are arguing that a "half call context" requires more than what is disclosed in Bjelland et al., the examiner does not see such a limitation in the claims. Accordingly, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

29. Applicants argue, apparently, that gateway 410 cannot establish a call context between node 404 and terminating gateway 412 because "gateway 412 is...part of a termination point" and, therefore, cannot establish a half call context based on the terminating information [**Applicants' Amendment dated October 30, page 2, paragraph 5**]. Applicants also argue that because gateway 410 resides on the originating side of the network, gateway 410 cannot establish a call context based on the terminating information [**Applicants' Amendment dated October 30, page 2, paragraph 5**]. The examiner respectfully disagrees.

30. As noted in the rejection of claim 1 above, Bjelland et al. discloses that Gateway 410 establishes a call context between the originating call connected to Node 402 and a connection

(within Gateway 410) to Gateway 412 [Fig. 4]. Contrary to Applicants' assertions, the connection is within Gateway 410 (not in "terminating" Gateway 412). Bjelland et al. further discloses that Gateway 412 establishes a call context from the connection to Gateway 410 (within Gateway 412) and the terminating call connected to node 404 [Fig. 4]. Contrary to Applicants' assertion, the connection is within Gateway 412 (not in the "originating" Gateway 410).

31. With respect to claims 1 and 9, Applicants state that establishing, controlling, and instruction cannot be gleaned without the use of hindsight reasoning [Applicants' Amendment dated October 30, page 3, paragraph 2].

32. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Conclusion

33. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

34. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

35. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

(a) Sawyer (USP 5,828,952), System and method for executing signaling cut-through

(b) Mercuriali (USP 7,298,747), Method of setting up communication in a packet switching system.

36. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Mais whose telephone number is 572-272-3138. The examiner can normally be reached on M-Th 5am-4pm.

37. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing F. Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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38. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MAM

December 11, 2007

 1/3/08

WING CHAN
SUPERVISORY PATENT EXAMINER